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| 09/986,055 | 11/07/2001 | Masaaki Morishima | WN-2411 | 4790 |

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/986,055 | MORISHIMA, MASAAKI | |
| | Examiner | Art Unit | |
| | Gerald Gauthier | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) 5,11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim(s) 1, 7 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Claim 1** recites the limitation "the procedure" in lines 4, 8, 9 and 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the procedure" in lines 4 and 9 and "the execution" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the procedure" in lines 5 and 10 and "the execution" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim(s) 2-6, 8-12 and 14-18 are rejected for being dependent of rejected claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim(s) 1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamada et al. (US 6,192,258 B1) in view of Smethers (US 6,463,304 B2).

Regarding **claim(s) 1, 7 and 13**, Kamada discloses a mobile terminal (column 1, lines 6-10), comprising:

a display device for displaying characters and an image (column 9, lines 25-32)

[The display window 141 show the image that can be rotated and person names as character display];

a browser controller for executing first processing for displaying first display data having the procedure for browsing a desired web page and the content of the web page on the display device so that an operator browses the web page (FIGS. 5A, 5B and column 6, lines 45-61)

an e-mail sending and receiving controller for executing second processing for displaying second display data having the procedure for creating an e-mail, the

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procedure for sending and receiving the e-mail, and the content of the created or received e-mail on the display device so as to send and receive the e-mail (column 8, lines 56-65) [The person's email is selected with a pen for sending e-mail is displayed and also creating and receiving an email].

a switching controller for controlling the browser controller and the e-mail sending and receiving controller in accordance with operator's instructions and displaying the first display data and the second display data on the display device while switching them (column 7, lines 9-38) [The rotary switch is capable of clockwise and counterclockwise operations as well as push operations to switch from the browser and the e-mail operations].

Kamada disclose a browser function in the mobile terminal but fails to disclose a single switching member for switching the browser controller and the e-mail sending and receiving controller while switching them with a single switching member.

However, Smethers, in the same field of endeavor, teaches a single switching member for switching between the browser controller and the e-mail sending and receiving controller upon toggling said single switching member (column 6, lines 23-30) [Pressing the navigation key in the nine o'clock position switches the display to browser mode and pressing the navigation key in the twelve o'clock position switch the display to e-mail operation, therefore a single switching member, the navigation key, switches the displays].

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Kamada using the teaching of navigation key as taught by Smethers.

This modification of the invention enables the system to have a single switching member for switching the browser controller and said e-mail sending and receiving controller so that the user would access information using a mobile device.

Regarding **claim(s) 2, 8 and 14**, Kamada as modified discloses when the e-mail is received or the operator instructs the second processing while the browser controller executes the first processing, the switching controller controls the browser controller and the e-mail sending and receiving controller to display the content of the received e-mail or the second display data on the display device (column 8, lines 56-65).

Regarding **claim(s) 3, 9 and 15**, Kamada as modified discloses when the e-mail is received or the operator instructs the second processing while the browser controller executes the first processing, the switching controller controls the browser controller and the e-mail sending and receiving controller so that the display device displays the first display data and the content of the received e-mail or the second display data on a single screen or separated screens (column 9, lines 1-9).

Regarding **claim(s) 4, 10 and 16**, Kamada as modified discloses after the content of the received e-mail is displayed on the display device and a predetermined

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time passes, the switching controller controls the browser controller and the e-mail sending and receiving controller to display only the first display data on the display device (column 9, lines 1-9).

Regarding **claim(s) 6, 12 and 18**, Kamada as modified discloses receiving the operator's instructions as at least one of manual operation and voice (column 7, lines 9-38).

7. **Claim(s) 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii et al. (US 6,711,620 B1) in view of Smethers.

Regarding **claim(s) 19**, Yoshii discloses a mobile terminal (column 10, lines 1-7) comprising:

a display device (30 on FIG. 5);

a browser controller (28 on FIG. 2) for browsing a desired web page, so that browser content of the web page is displayed on said display device (column 10, line 29-39) [The communication control section 28 allows the Internet browser application to access data from the Internet];

an e-mail sending and receiving controller for creating, sending and receiving e-mail, so that e-mail content is displayed on said display device (column 10, line 29-39) [The e-mail application is for exchanging mails through the Internet].

Yoshii discloses a browser controller and an email controller but fails to disclose a single switch for switching between said browser controller and said e-mail sending and receiving controller.

However, Smethers teaches a single switch for switching between said browser controller and said e-mail sending and receiving controller, so that at least one of said browser content and said e-mail content are displayed on said display device when said single switch is toggled (column 6, lines 23-30) [Pressing the navigation key in the nine o'clock position switches the display to browser mode and pressing the navigation key in the twelve o'clock position switch the display to e-mail operation, therefore a single switching member, the navigation key, switches the displays].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Yoshii using the teaching of navigation key as taught by Smethers.

This modification of the invention enables the system to have a single switch for switching between said browser controller and said e-mail sending and receiving controller so that the user would access information using a mobile device.

Allowable Subject Matter

8. **Claim(s) 5, 11 and 17** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to **claim(s) 1-19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GERALD GAUTHIER
PATENT EXAMINER

GG

July 28, 2006